

MID SUSSEX DISTRICT COUNCIL

Planning Committee

16 JAN 2020

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/3138



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**ROYAL BRITISH LEGION HALL 30 CYPRUS ROAD BURGESS HILL WEST SUSSEX
DEMOLITION OF THE EXISTING ROYAL BRITISH LEGION CLUB AND ERECTION OF AN ENTERTAINMENT AND COMMUNITY VENUE, TO INCLUDE A 237-SEAT THEATRE, A MULTI-PURPOSE DANCE/REHEARSAL STUDIO, MEETING ROOMS AND DRESSING ROOM/SUPPORT SPACES. THE FLEXIBLE FRONT-OF-HOUSE FOYER SPACES WILL INCORPORATE AN ASSOCIATED CAFÉ/BAR**

OPERATION TO SUPPORT THE AUDITORIUM FUNCTION. THERE WILL BE RE-LANDSCAPING WORKS TO THE NORTH AND SOUTH OF THE NEW BUILDING AND TO THE ALLEYWAY TO THE EAST (ALONGSIDE CYPRUS HALL).

MR STEVEN CRIDLAND

POLICY: Brownfield Land / Built Up Areas / District Plan Policy / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Sewer Line (Southern Water) / SWT Bat Survey /

ODPM CODE: Smallscale Major Retail

8 WEEK DATE: 29th November 2019

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Andrew Watt

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader for Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Full planning permission is sought for the demolition of the former Royal British Legion Club building (use class D1) and the erection of an entertainment and community venue (D2 use) in its place. This will comprise a 237-seat theatre, a multi-purpose dance/rehearsal studio, meeting rooms, dressing room/support spaces, foyer spaces and associated café/bar. The proposal also includes re-landscaping works to the north (rear) and south (front) of the new building and to the alleyway to the east (alongside Cyprus Hall).

The application is being determined at committee level as Mid Sussex District Council owns the northern part of the site.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.

The need for this facility has been identified in the Burgess Hill Neighbourhood Plan and detailed in the submitted Statement of Community Involvement, which notes that the proposed scheme has been led by a steering group consisting of 50% local councillors and 50% representatives of local user groups. The venue will be named 'The Beehive Centre' if planning permission is granted.

It is considered that the principle of this development is acceptable in accordance with development plan policies. As the council's Leisure team has stated, "It will be a welcome addition to leisure and amenity facilities in the town." The design of the building is bold and striking, but its increased scale can be justified on the grounds of the public benefits of the scheme and the usage itself enlivening and optimising this town centre location. It will unquestionably contribute to the cultural quarter of Burgess Hill.

Objections from neighbouring residents are acknowledged in what is also a residential street. Whilst the building will not result in an overbearing form of development or significantly harmful overlooking to neighbouring occupiers, given the distance and front-to-front or front-to-side relationships, noise and lighting impacts will occur. However, the scheme has been accompanied by specialist reports that identify how these impacts can be mitigated and accordingly conditions are recommended.

The increased patronage of the building on this site by users and staff will not have an adverse impact on the local road network and nor on the adjoining council-owned car park, and hence there are no transport grounds on which to resist this proposal.

Other matters such as drainage, land contamination, sustainability and biodiversity can be conditioned as part of any planning permission.

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

For the above reasons, the proposal is deemed to comply with Policies DP2, DP7, DP17, DP21, DP24, DP26, DP28, DP29, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies TC1, TC6 and S3 of the Burgess Hill Neighbourhood Plan and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in Appendix A.

CONSULTATIONS

(Full responses from Consultees are included at the end of this report as Appendix B)

MSDC Contaminated Land Officer

No objection, subject to conditions.

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Environmental Protection Officer

No objection, subject to conditions.

MSDC Leisure Officer

The need for this facility has been identified in the Burgess Hill Neighbourhood Plan and it will be a welcome addition to leisure and amenity facilities in the town.

MSDC Parking Services

The adjacent car park should be well placed to provide parking capacity for the evening activities suggested but capacity for daytime performances may well be compromised by existing demand for the car park, even if modal shift mitigates pressure.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Urban Designer

The proposal is welcomed as it is not only a superior building than the one it replaces, but it also introduces a new use that should animate this town centre street especially with its open glazed façade that reveals the front foyer bar/cafe. While the building is significantly larger than the one it replaces (and in relation to its immediate neighbours) it is nevertheless similar to the existing nearby Orion Cinema; the additional scale can also be justified by its public use and its optimisation of a central location.

Although the asymmetric multi-layered form of the frontage is a little busy, overall this is an exciting contemporary building that will have a positive impact upon the townscape with care being taken to add visual interest to the other highly visible facades, and in the re-landscaping of the pedestrian link to the Cyprus Road car park.

I therefore raise no objections to this proposal, but as well as conditions covering facing materials and landscaping, I would also recommend the submission of 1:20 scale section and elevational vignette of the glazed part of the Cyprus Road frontage, and a condition requiring the design and configuration of the top floor windows and signage on the west elevation to be subject to further approval.

WSCC Drainage Strategy Team

Detailed comments relating to surface water drainage and flood risk for the proposed development.

WSCC Highways

No objection, subject to conditions.

Consultant Ecologist

To be reported.

Southern Water

To be reported.

Sussex Police

No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

TOWN COUNCIL OBSERVATIONS

OBSERVATIONS: Recommend Approval

LETTERS OF REPRESENTATIONS

7 letters of objection:

- Un-neighbourly design
- Modern appearance is out of keeping with its surroundings
- Large amount of sunlight will provide a glare hazard to traffic and residents opposite
- Light pollution
- Loss of privacy
- Street noise will increase in later hours
- Parking obstructions
- Pollution
- Noise pollution
- No smoking provision, so will cause problems with people coming and going and sound will escape
- Alcohol will encourage people to talk more loudly
- Antisocial behaviour will increase
- Building will be an eyesore and the large slope will look totally out of place and will invite parkour enthusiasts to use it
- Insufficient car parking provision will result in parking in Cyprus Road too, which is a one-way street
- Building does not respect the existing building line
- Gate in car park to the rear is not redundant, as stated - it is used as part of the Remembrance Sunday parade
- No site for the RBL flagpole
- Will the night time cooling strategy make a noise overnight?
- Set down position in front of Cyprus Hall does not allow access to people using this neighbouring facility
- Residents' mental health will suffer from demolition, building work and the final design of the building

- No mention what will happen if there is subsidence
- No mention of how Japanese knotweed will be dealt with
- Site not suitable for an entertainment venue of this size
- Overbearing in size and scale and will result in loss of light and overshadowing
- View of night sky will be obscured by scale of building and excessive lighting
- Entrance should be at the back from the car park, not on Cyprus Road
- Lighting is un-neighbourly on a residential street, causing light pollution
- Tree planting appears to be a random addition
- How will dust / debris and noise be managed during demolition?
- Any issues over asbestos that residents need to be aware of?
- How will the site be made safe during this phase?
- Refuse store will be relocated and effectively shared with others
- Loss of sunlight
- Series of steps to the side will be used by skateboarders creating a hazard and noise
- Who will maintain the planters?
- Raised height of the new path will be above the damp proof course of Cyprus Hall and will be a target for intruders to these windows
- The 'fin' at the front of Cyprus Hall will no doubt be vandalised
- Flooding problems in the area

1 letter of support from the Theatres Trust, which welcomes this development, effectively replacing the former Martlets Hall, which was demolished in 2015. The site is in an accessible edge-of-centre location within the Civic and Cultural Quarter designated within the Burgess Hill Neighbourhood Plan. Theatres are recognised by the NPPF as being beneficial to the sustainability of communities. The capacity of the theatre reflects that it will be used predominantly for small-scale, community and amateur productions and events, so is unlikely to require significant front-of-house or backstage provision or the ability to handle large goods vehicles. The number of wheelchair positions are welcomed, although they are single positions with no companion seating. Also, there are no accessible WCs on the upper ground floor level. The building's limited footprint reduces the space available to the café/bar, meaning that whole audiences would have to use relatively limited space to the upper ground. This may affect overall viability of bar sales if the time available for audiences to purchase and consume is constrained by congestion and queues. Limited space for staff is noted. Welcome the public realm improvements as it will help make the area more inviting and more active when approaching along Cyprus Road, improving the perception of safety and discouraging anti-social behaviour.

INTRODUCTION

Full planning permission is sought for the demolition of the existing Royal British Legion Club building (use class D1) and the erection of an entertainment and community venue (D2 use). This will comprise a 237-seat theatre, a multi-purpose dance/rehearsal studio, meeting rooms, dressing room/support spaces, foyer spaces and associated café/bar. The proposal also includes re-landscaping works to the

north (rear) and south (front) of the new building and to the alleyway to the east (alongside Cyprus Hall).

RELEVANT PLANNING HISTORY

The existing building has been extended by way of applications approved in 1974, 1975 and 1980.

In June 1998, advertisement consent was granted for 1 no. fascia sign to the rear of the club premises (BH/092/98).

In June 2002, planning permission was granted for a front extension to accommodate a lift (02/00886/FUL).

An application for advertisement consent has been submitted alongside this one and is being reported to this same committee for determination (DM/19/3148).

SITE AND SURROUNDINGS

The site consists of a vacant 2-storey flat-roofed building occupying a sloping plot between Cyprus Hall to the east and the Constitutional Club to the west. Its frontage is onto Cyprus Road, with residential dwellings opposite, and backs onto the council-owned car park.

In policy terms, the site is located within the Town Centre Boundary as defined in the Mid Sussex District Plan and within the Civic and Cultural Quarter as defined in the Burgess Hill Neighbourhood Plan. Cyprus Hall, adjoining the site to the north-east, is identified as a Building of Merit in the Burgess Hill Neighbourhood Plan (Policy H1). Land immediately north (part of the existing car park) is allocated for housing development.

APPLICATION DETAILS

Full planning permission is sought for the demolition of the existing Royal British Legion Club building (use class D1) and the erection of an entertainment and community venue (D2 use). This will comprise a 237-seat theatre, a multi-purpose dance/rehearsal studio, meeting rooms, dressing room/support spaces, foyer spaces and associated café/bar. The proposal also includes re-landscaping works to the north (rear) and south (front) of the new building and to the alleyway to the east (alongside Cyprus Hall).

The proposed building will be arranged over 4 storeys and consist of the following uses:

Lower Ground Floor:

- 2 rear accesses (from the MSDC car park), store, electric room, stage door, Main Stage, 131 seats, Male and Female WCs, and kitchen.

Upper Ground Floor:

- Main entrance (from Cyprus Road), foyer/bar/coffee shop, Middle Seating Gallery (48 seats), dressing/meeting room, technical galleries either side of the Main stage beneath, and a WC/shower.

First Floor:

- Foyer and additional seating area above the bar/coffee shop, WCs, Upper Seating Gallery (53 seats), Meeting/dressing room, technical galleries and WC/shower.

Second Floor:

- Rooflit Dance/Rehearsal Studio, Meeting Room, en-suite shower room, dressing room and office.
- Externally on the roof will be the plant deck.

The total gross internal floor area will be 1154 sq m, replacing 701 sq m of existing D1 floorspace (i.e. an increase of 453 sq m).

It is intended that the building will provide employment for 5 full-time employees.

It is further intended that the building will make use of the adjoining MSDC car park to the rear. The application form states that there are currently 290 spaces available, and the proposal will reduce this by 12 to 278, but increase the number of disability spaces from 15 to 17, so an overall net loss of 10. This will be partially mitigated by the provision of 9 cycle storage spaces (currently 0). A refuse storage building will be provided in this MSDC-owned area, with the cycle provision made adjacent. The car parking provision in the car park will be re-configured and a shared pedestrian-friendly surface provided in front of Cyprus Hall.

The building will be of a similar footprint and orientation to the existing building, albeit projecting forward onto Cyprus Road and rearwards into the car park. Materials will be a mix of bricks at the lower level with larch cladding at upper levels punctuated with details such as glazed brick bands, brick lettering, powder coated aluminium coping and aluminium window frames. The feature entrance to Cyprus Road will be covered with a pitched roof clad in clay tiles above a glazed frontage and edged with textured brickwork and glazed teal bricks.

The application has been submitted to meet the Town Council's aspirations as set out in the Burgess Hill 'Town Wide Strategy' (August 2011) and the Burgess Hill Neighbourhood Plan.

POLICY CONTEXT

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted by Full Council on 28 March 2018. Relevant policies include:

Policy DP2: Town Centre Development

Policy DP7: General Principles for Strategic Development at Burgess Hill

Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP21: Transport
Policy DP24: Leisure and Cultural Facilities and Activities
Policy DP26: Character and Design
Policy DP28: Accessibility
Policy DP29: Noise, Air and Light Pollution
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage

Development Infrastructure and Contributions Supplementary Planning Document (Jul 2018)
Waste Storage and Collection Guidance for New Developments (May 2015)

Burgess Hill Neighbourhood Plan (Jan 2016)

Mid Sussex District Council formally 'made' the Burgess Hill Neighbourhood Plan part of the Local Development Plan for the Neighbourhood Plan area of Burgess Hill as of 27 January 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Burgess Hill Neighbourhood Plan area.

Relevant policies include:

Policy TC1: The Civic and Cultural Quarter
Policy TC6: Urban Realm and Access in the Town Centre
Policy S3: Protect and Enhance Existing Community and Medical Facilities

National Policy and Other Documents

National Planning Policy Framework (NPPF) (Feb 2019)

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 12 (status of development plan), 38 (decision-making), 47 (determining applications), 54 and 55 (use of conditions), 102 and 103 (promoting sustainable transport), 108 and 109 (highways matters), 124 and 127 (design), 148 (transition to low carbon future), 153 and 154 (sustainability), 155, 158, 159, 160, 161 and 163 (flood risk), 170 (enhancing the natural and local environment), 178 and 179 (land contamination) and 180 (noise and light pollution) are considered to be relevant to this application.

Planning Practice Guidance

West Sussex County Council: Guidance on Parking at New Developments (Aug 2019)

Planning Noise Advice Document: Sussex (Mar 2013)

Burgess Hill Town Wide Strategy (Aug 2011)

ASSESSMENT

The main issues for consideration are:

- The principle of development;
- The design and visual impact on the character of the area;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Land contamination;
- Sustainability;
- Biodiversity;
- Habitats Regulations;
- Accessibility;
- Other matters; and
- Planning Balance and Conclusion

Principle of development

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- *The provisions of the development plan, so far as material to application,*
- *Any local finance considerations, so far as material to the application, and*
- *Any other material considerations.'*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan together with the Burgess Hill Neighbourhood Plan.

Policy DP2 of the Mid Sussex District Plan states (in part):

'Town Centres

These are defined as the town centres of Burgess Hill, East Grinstead and Haywards Heath which meet the needs of their communities and those of the surrounding large and small villages and countryside areas.

To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map - development, including mixed use and tourism related development, will be permitted providing it:

- is appropriate in scale and function to its location including the character and amenities of the surrounding area;*
- has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan.'*

It is considered that the proposal complies with this policy in both respects (the first is assessed in detail in the Design section below).

Policy DP7 of the Mid Sussex District Plan states (in part):

'All strategic development at Burgess Hill, as shown on the inset map, is required to support the general principles set out in this policy.

Strategic development will:

- Be designed in a way that integrates it into the existing town providing connectivity with all relevant services and facilities;*
- Provide new and improved community, retail, cultural, educational, health, recreation, play and other facilities to create services and places that help to form strong local communities and encourage healthy lifestyles;*
- Wherever possible, incorporate on-site 'community energy systems', such as Combined Heat and Power or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability.'*

The proposed development maintains a central location for this facility within walking distance of the train station and near to bus services and adjacent to a public car park. Typical town centre uses in close proximity to the site include a community building, social club, cinema, church and a number of retail and commercial units.

Policy TC1 of the Neighbourhood Plan states:

'This Quarter is focused on the Cyprus Road car park area with links through to Church Walk. Development that provides new, high quality and accessible community resources such as a new library, arts centre/theatre, civic offices and police station will be supported. Any development proposals will be required to provide public realm space including green areas, seating and outdoor space to create a focus for the community activities. New housing development will be acceptable in principle as part of a mixed use scheme only where it will facilitate the provision of the aforementioned community facilities. The existing level of car parking will be maintained within the area and the quality improved. A heritage centre is to be provided within one of the proposed civic buildings and the façade of the Orion Cinema will be retained.'

The proposal complies with this policy.

Policy TC6 of the Neighbourhood Plan states (in part):

'All new development within the town will be expected to provide for or contribute towards:

- *Improved accessibility and parking for disabled, mobility scooters and wheelchair users.*
- *Pedestrian friendly schemes such as shared surfaces. '*

The proposal provides a modern building that improves accessibility by means of internal lift access. The existing external slope between the site and Cyprus Hall has a pinch point and a steep slope rising by 2.2m which will be levelled and laid to stairs to address the change in levels within this passageway. Illumination of this area will be a key element of this proposal, and therefore it is considered the above policy would be met.

Policy S3 of the Neighbourhood Plan states (in part):

'The existing community facilities within Burgess Hill are important resources for the local community and should be retained. Support will be given to allocating new facilities or improving existing ones.'

The proposal therefore complies with this policy in these broad terms, as the Town Wide Strategy of 2011 identified new and improved cultural facilities for the town as part of its Vision.

Overall, the principle of this development is deemed acceptable.

Design and visual impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states (in part):

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *positively addresses sustainability considerations in the layout and the building design.'*

The Council's Urban Designer has assessed the proposal and his comments are reported in full in Appendix B. In summary, the proposal is welcomed in two respects: one, that it replaces an existing unused building with a superior building; and two, that it introduces a new use that should animate this town centre street.

It is acknowledged that the building is significantly larger than the existing one, particularly in relation to its immediate neighbours. However, it is considered that this scale can be justified by its optimisation of the space in a town centre location and the public benefits that will result.

Whilst recognising that the asymmetric form of the building will result in greater prominence, the Urban Designer nevertheless describes it as "an exciting contemporary building that will have a positive impact upon the townscape with care being taken to add visual interest to the other highly visible facades, and in the re-landscaping of the pedestrian link to the Cyprus Road car park." There is similar recognition that the flank elevations will also be prominent above the rooftops of adjacent buildings along Cyprus Road, but the use of vertical cladding and timber slats will add visual interest, particularly as they serve a function in screening the unsightly roof structures. The rear elevation facing the car park is enlivened by fenestration to match those of the flanks, providing a cohesiveness to the building on all sides.

The reconfiguration of the landscaping layout to the side passageway adjacent to Cyprus Hall is also deemed beneficial to this site. It removes a pinch point and replaces it with a consistent width of pedestrian walkway, which will continue to provide a good linkage between Cyprus Road and the car park and hence improve permeability through the town centre.

Subject to the submission of further section and larger-scale elevation details in relation to the glazed part of the Cyprus Road (which can be secured through condition), it is considered that the proposal complies with the above policy.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate that development:

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

Policy DP29 of the Mid Sussex District Plan states (in part):

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife

habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- an assessment of the impact of noise generated by a proposed development; or*
- an assessment of the effect of noise by an existing noise source upon a proposed development;*

Light pollution:

- The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;'*

The nearest residential properties affected by the proposal would be opposite on Cyprus Road (13-25) to the south, with other properties on Cyprus Road to the south-west and east and Middle Way further north-east.

It is not considered that the proposed building would result in an overbearing form of development or overlooking to neighbouring properties (other than a front-to-front relationship which would not be unusual in a built-up area). As such, it is not considered that the proposal would result in a significantly harmful loss of amenity to surrounding residents in these respects.

The application has been accompanied by a Baseline Noise Survey. This has been conducted in order to inform the design of the building and to ensure compliance with the council's noise policy in respect of plant noise (fans, air conditioning, etc) and entertainment noise (Sussex Planning Noise Advice Document (March 2013)). This states at paragraph 3.2.3:

- Where regular use of the proposed premises is planned, any amplified sound (including music and speech), should be inaudible within any nearby noise sensitive premises with or without one or more windows open.*
- Any other noise sources associated with the premises, such as patron noise, should also be inaudible inside residential properties.*

The council's Environmental Protection Officer considers that this report sets out agreeable limits and consequently recommends several conditions, which would ensure compliance with the above policy.

The application is also accompanied by a Ventilation and Extract Statement, which commits to providing suitable and adequate equipment. It notes that the kitchen will only be used for reheating food and food preparation for service, so the risk of noise, odour and fumes will be low. The WC extraction will be ducted to the system terminating at roof level, away from other inlets and windows. The council's Environmental Protection Officer considers that suitable conditions can be applied to any permission.

Other issues can also be controlled by condition, such as at the demolition/construction stages, and limiting hours of opening and deliveries.

Accordingly, the scheme would comply with Policies DP26 and DP29 of the Mid Sussex District Plan.

Highways matters

Policy DP21 of the Mid Sussex District Plan states (in part):

'... Decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*

- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

The proposed development is sited in a highly sustainable location and users of the facility will be able to access it either in conjunction with other town centre uses or as a destination in its own right. The site is located within walking distance of bus and train facilities and adjacent to a public car park. New cycle parking facilities are provided.

Following submission of a Transport Statement, the Highway Authority has raised no objection to the application in relation to the resultant car parking provision, access works, road network capacity and trip generation, and accessibility.

The TS states that 9 spaces in the existing rear car park will be lost to accommodate the proposed new pedestrian link but will allow for 6 additional disabled spaces, all of which are within the red-lined site area. Parking demand as set out in the WSCC guidance sees a maximum of 1 space per 15 sq m floor area, so a 1150 sq m D2 building will create a demand for 77 spaces. The car park to the rear can accommodate approximately 302 cars, so the Highway Authority considers that this additional demand can be accommodated.

In terms of the access works, the Highway Authority does not consider that the removal of parking on the frontage of the site and in front of Cyprus Hall will pose a highway safety reason to resist the application.

The Highway Authority has assessed the TS in relation to the capacity of the road network to accommodate this building and the associated trip generation. The building would not be operational during morning peak hours and would instead be at peak generation between 1900-2000hrs and 2200-2300hrs. As a worst-case scenario of 100% occupancy of the theatre and 100% arrivals by car, a total of 119 vehicles could occur. However, given the town centre (sustainable) location, if this is a 50% modal split for cars and 50% for other forms of transport, then this actual vehicle accumulation could be 60. Accordingly, it is not considered that the proposal will result in a capacity issue on the local road network.

The train station is a 5 minute walk from the site and the closest bus stop 150m away. Although the latter services appear to run to 1930hrs only, this could form part of a journey and users or employees could also access the site by walking or cycling, particularly with the improved pedestrian access to the car park. The proposed cycle parking provision is deemed sufficient and can be secured by condition.

Accordingly, the above policy would be met.

Drainage

Policy DP41 of the Mid Sussex District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

Both surface water and foul water will be drained into the sewer located in the MSDC car park. Although the proposed site is located within Flood Zone 1, it is deemed to be at low fluvial flood risk. As surface water is proposed to be attenuated, the council's Drainage Engineer considers that a suitable condition can be imposed on any planning permission, which would ensure compliance with the above policy.

Land contamination

The NPPF Glossary defines Site Investigation Information as:

'Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 (2001) Code of Practice for the Investigation of Potentially Contaminated Sites). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance.'

The application has been accompanied by a preliminary contamination risk assessment and site investigation report. These documents have been reviewed by the council's Contaminated Land Officer, who confirmed that conditions are required to be imposed on any planning permission to ensure that the potable water supply does not become contaminated by known contaminants on site. With these in place, the above NPPF requirements will be complied with.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

The sustainability measures to accompany the scheme are set out in the Sustainability and Energy Efficiency Statement, as follows:

- Installation of 30 sq m of photovoltaic panels (PV) on the western side of the roof, which will contribute to the electrical energy demand of the building
- Adopting passive measures such as improved material performance and building arrangement to reduce the energy demand of the building
- Thermal envelope of the building to comply with Building Regulations, such that all building elements will be well insulated to reduce energy loss

- Thermal mass will assist in retaining heat during hot summer days and less cooling requirement, with stored energy released at night
- Airtightness through construction ensuring fewer air leakage paths, fewer noise penetrations and significantly lower energy bills, thus reducing carbon dioxide emissions
- High levels of natural daylighting, reducing the need for artificial lighting
- Installation of a combined boiler and heat pump arrangement with use of radiators and heating controls
- Natural ventilation systems for the whole building, except for kitchen and bathrooms, which will be mechanically ventilated
- Cooling to some of the occupied spaces sourced from a heat pump

These measures can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan and paragraphs 153 and 154 of the NPPF.

Biodiversity

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation*

Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 states:

'When determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

A Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment have been submitted as part of this application. It identifies that the existing building has low potential to support roosting Bats, due to the presence of specific features such as broken, lifted and missing hanging tiles on the southern elevation. Although no evidence of Bats or Bat activity was recorded, recommendations are nonetheless

made to undertake further surveys during the peak season for emergence/re-entry (i.e. May-August) to determine the presence/absence of roosting bats within the building.

Further recommendations are made to ensure that vegetation and building clearance are undertaken outside the bird nesting season (which is generally March-September) and to enhance the site for wildlife, including installation of Bat boxes in locations where they will receive full/partial sun and at least 4m above ground level.

Comments are awaited from the council's Ecological consultant and will be reported to committee.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The potential effects of the proposed development are incorporated into the overall results of the transport model (Mid Sussex Transport Study (Updated Transport Analysis)), which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Accessibility

Policy DP28 of the Mid Sussex District Plan states (in part):

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'

'This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'

The MHLG PPG says in part:

'What accessibility standards can local planning authorities require from new development?'

'Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body...'

It is considered that the proposed building would provide a high standard of accessibility for the future users.

Other matters

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.

The need for this facility has been identified in the Burgess Hill Neighbourhood Plan and detailed in the submitted Statement of Community Involvement, which notes that the proposed scheme has been led by a steering group consisting of 50% local councillors and 50% representatives of local user groups. The venue will be named 'The Beehive Centre' if planning permission is granted.

It is considered that the principle of this development is acceptable in accordance with development plan policies. As the council's Leisure team has stated, "It will be a welcome addition to leisure and amenity facilities in the town." The design of the building is bold and striking, but its increased scale can be justified on the grounds of the public benefits of the scheme and the usage itself enlivening and optimising this town centre location. It will unquestionably contribute to the cultural quarter of Burgess Hill.

Objections from neighbouring residents are acknowledged in what is also a residential street. Whilst the building will not result in an overbearing form of development or significantly harmful overlooking to neighbouring occupiers, given the distance and front-to-front or front-to-side relationships, noise and lighting impacts will occur. However, the scheme has been accompanied by specialist reports that identify how these impacts can be mitigated and accordingly conditions are recommended.

The increased patronage of the building on this site by users and staff will not have an adverse impact on the local road network and nor on the adjoining council-owned car park, and hence there are no transport grounds on which to resist this proposal.

Other matters such as drainage, land contamination, sustainability and biodiversity can be conditioned as part of any planning permission.

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

For the above reasons, the proposal is deemed to comply with Policies DP2, DP7, DP17, DP21, DP24, DP26, DP28, DP29, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies TC1, TC6 and S3 of the Burgess Hill Neighbourhood Plan and

the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Pre-commencement conditions**

No development shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls, fenestration and roofs of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan.

4. No development shall commence until a 1:20 scale section and elevational vignette of the glazed part of the Cyprus Road frontage has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building and the character of the area and to accord with Policy DP26 of the Mid Sussex District Plan.

5. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

6. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the entire construction period. The Construction Management Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoardings;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to comply with Policies DP21 and DP26 of the Mid Sussex District Plan.

7. Demolition / construction work shall not commence until a scheme of measures for the control of dust during the demolition and construction phase has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be operated at all times during the demolition / construction phases of the development.

Reason: To safeguard the amenities of surrounding residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

8. No development shall take place until a detailed scheme for protecting nearby residential units from noise generated by entertainment and related activities within the building, has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before the use hereby permitted is carried on. Unless otherwise agreed in writing, the submitted scheme shall be in accordance with the Baseline Noise Survey (ref 265363-00/R01) submitted by Arup as part of the application, specifically section 5 Proposed noise emission limits. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority. If the scheme relies on closed windows to meet the required noise emission limits then it shall also incorporate suitable ventilation measures.

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

9. **Construction phase**

Works of construction or demolition, including the use of plant and machinery as well as deliveries and collections, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays no work permitted

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

10. **Pre-occupation conditions**

Prior to the commencement of construction of any building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan.

11. The development hereby permitted shall not be provide hot food for public consumption until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with the submitted Greenways Ventilation and Extract Statement and with industry best practice e.g. the principles of the DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems and shall include a Risk Assessment for Odour e.g. Annex C of the DEFRA guidance as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

12. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to comply with Policy DP21 of the Mid Sussex District Plan.

13. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be

submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for their designated use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with Policy DP21 of the Mid Sussex District Plan.

14. The development shall be carried out in accordance with the Sustainability and Energy Efficiency Statement submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan.

15. Prior to the site coming into operation, a verification report shall be submitted to and approved in writing, by the local planning authority, demonstrating that suitable barrier piping has been used for the potable water supply which ensures it cannot be permeated by known contaminants within the ground on site. This shall include photos of the pipes being laid and an agreement with the water supply company that the barrier piping used is suitable for the site.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

16. Prior to occupation of the development, should further soils contamination be discovered on site during the development, the remediation measures shall be implemented strictly in accordance with the approved remediation options appraisal and method statement, and a written report detailing the remediation shall be submitted to and approved by the Local Planning Authority. Should no further contaminants be discovered, confirmation of this shall be provided by the developer to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

17. **Post-occupation monitoring / management conditions**

No deliveries or collections of commercial goods or waste shall take place outside the following hours:

Mon to Fri 07:00 to 19:00 hours

Sat 08:00 to 13:00 hours

Sun and Public Holidays 09:00 to 13:00 hours

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

18. Unless otherwise agreed in writing, the building shall not be open to the public outside the following hours:
09:00 hours to 23:00 hours on any day, with the exception of a maximum of six days per calendar year when they may be used by the public until 00:00 hours. These exceptional dates shall be recorded and made available to the Local Planning Authority upon request.

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

19. Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (eg extract or intake fans, condenser units etc) shall comply with the Baseline Noise Survey (ref 265363-00/R01) submitted by Arup as part of the application, specifically section 5 Proposed noise emission limits. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.
All measurements shall be defined and derived in accordance with BS 4142:2014+A1:2019. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

20. The refuse/recycling storage area shall be implemented in accordance with the approved plans and made available for use prior to the first occupation of the building at all times thereafter.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan.

21. The recommendations set out in the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with the NPPF requirements, Policy DP38 of the Mid Sussex District Plan and Policy G3 of the Burgess Hill Neighbourhood Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of

sustainable development, as set out within the National Planning Policy Framework.

2. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
3. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
4. No burning of demolition/construction waste materials shall take place on site.
5. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	170289-AED-BH-00-DR-A-0001	-	05.08.2019
Block Plan	170289-AED-BH-00-DR-A-0002	P2	05.08.2019
Transport Assessment/Travel Plan	170289-AED-BH-00-DR-A-0003	-	05.08.2019
Proposed Floor Plans	170289-AED-BH-00-DR-A-0502	P3	05.08.2019
Existing Site Plan	170289-AED-BH-00-DR-A-2900	-	05.08.2019
Existing Floor Plans	170289-AED-BH-00-DR-A-2902	P3	05.08.2019
Proposed Floor Plans	170289-AED-BH-01-DR-A-0503	P2	05.08.2019
Proposed Floor Plans	170289-AED-BH-01-DR-A-2903	-	05.08.2019
Proposed Floor Plans	170289-AED-BH-02-DR-A-0504	P3	05.08.2019
Existing Roof Plan	170289-AED-BH-02-DR-A-2904	-	05.08.2019
Proposed Roof Plan	170289-AED-BH-03-DR-A-0505	P2	05.08.2019

Levels	170289-AED-BH-B1-DR-A-0004	-	05.08.2019
Levels	170289-AED-BH-B1-DR-A-0501	P2	05.08.2019
Levels	170289-AED-BH-B1-DR-A-2901	-	05.08.2019
Proposed Sections	170289-AED-BH-XX-DR-A-0601	P2	05.08.2019
Proposed Elevations	170289-AED-BH-XX-DR-A-0701	P2	05.08.2019
Proposed Elevations	170289-AED-BH-XX-DR-A-0702	P4	05.08.2019
Proposed Elevations	170289-AED-BH-XX-DR-A-0703	P1	05.08.2019
Proposed Elevations	170289-AED-BH-XX-DR-A-0704	P2	05.08.2019
Proposed Sections	170289-AED-BH-XX-DR-A-0705	P1	05.08.2019
Existing Elevations	170289-AED-BH-XX-DR-A-2911	-	05.08.2019
Existing Elevations	170289-AED-BH-XX-DR-A-2912	-	05.08.2019
Existing Elevations	170289-AED-BH-XX-DR-A-2913	-	05.08.2019
Existing Elevations	170289-AED-BH-XX-DR-A-2914	-	05.08.2019
Existing Sections	170289-AED-BH-XX-DR-A-2915	-	05.08.2019
Drainage Details	SK1	-	05.08.2019
Drainage Details	SK2	-	05.08.2019
General	170289_AED_BH_B1_D_R_A_0006	Existing	13.09.2019
General	170289_AED_BH_B1_D_R_A_0007	Proposed	13.09.2019
General	170289_AED_BH_B1_D_R_A_0008	Proposed	13.09.2019
Other	170289_AED_BH_00_D_R_A_0010		11.11.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: Recommend Approval

Contaminated Land

Main Comments

I have received the application details including the preliminary contamination risk assessment and site investigation by Paddock Geo Engineering.

Elevated PAH indicative compound and asbestos levels were identified within the shallow Made Ground from beneath the current building footprint, when compared to the

conservative Residential with productive planting land use scenario that the consultant adopted.

The community centre proposals do not include any areas of open space and therefore the identified non volatile contaminants only pathway to the end site user will be via the potable water supply. The report states that regular PE potable water supply pipes are not deemed suitable for buried potable water supply pipework on the site. As such barrier piping is required and it is recommended that this be validated before the site comes into use.

An initial ground gas risk assessment was also carried out and this did not indicate any significant ground gas concentrations, which allowed a low 'Characteristic Situation 1' to be assigned for the site. A 'Characteristic Situation 1' assignment does not require any ground gas protection measures.

Along with validation of the potable water supply, a discovery condition should also be put in place so that the construction works stop if any further contamination is found on site. Works can only re-start once the matter has been investigated, and a remediation plan, agreed with planning authority, put in place if required.

Recommendation

Approve with the following conditions

1. Prior to the site coming into operation, a verification report shall be submitted to and approved in writing, by the local planning authority, demonstrating that suitable barrier piping has been used for the potable water supply which ensures it cannot be permeated by known contaminants within the ground on site. This shall include photos of the pipes being laid and an agreement with the water supply company that the barrier piping used is suitable for the site.
2. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Environmental Protection

The proposed development will include a 237 seat theatre space, dance studio, large meeting room and café/bar. It is located in a mixed residential/commercial area at the edge of the town centre, near to a council car park.

There is potential for noise disturbance to nearby residents from the following sources:

Plant noise - air conditioning/ventilation, kitchen extract, refrigeration etc. This can be controlled by condition.

Performance - Live shows and the dance studio will have amplification equipment. Noise can be contained within the fabric of the building if well designed. Some form of cooling or ventilation will be required to avoid noise breakout through open windows, particularly during warmer Summer months. This can be controlled by condition.

Patrons - Noise from patrons gathering outside the venue eg arriving, smoking, socialising, waiting for taxis/lifts etc is difficult to control. However the location is the town centre and the site was previously occupied by the British Legion club, so similar issues would have existed, but with fewer people. It is recommended that hours of use be controlled to reduce the impact.

An initial noise report has been submitted, and this has recommended specific noise limits for plant noise (fans, air conditioning etc) and for entertainment noise. These limits are agreeable and conditions are recommended to reflect this.

Therefore, should the development receive approval, Environmental Protection recommends the following conditions:

Conditions:

- Construction hours: Works of construction or demolition, including the use of plant and machinery as well as deliveries and collections, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Reason: to protect the amenity of local residents.

- Dust: Demolition/Construction work shall not commence until a scheme of measures for the control of dust during the demolition and construction phase has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: to protect the amenity of local residents from dust emissions during construction.

- Smoke: No burning of demolition/construction waste materials shall take place on site.

Reason: to protect the amenity of local residents from smoke, ash, odour and fume.

Soundproofing (Entertainment Noise): No development shall take place until a detailed scheme for protecting nearby residential units from noise generated by entertainment and related activities within the building, has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before the use hereby permitted is carried on. Unless otherwise agreed in writing, the submitted scheme shall be in accordance with the Baseline Noise Survey (ref 265363-00/R01) submitted by Arup as part of the application, specifically section 5 Proposed noise emission limits. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority. If the scheme relies on closed windows to meet the required noise emission limits then it shall also incorporate suitable ventilation measures.

Plant & Machinery: Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (eg extract or intake fans, condenser units etc) shall comply with the Baseline Noise Survey (ref 265363-00/R01) submitted by Arup as part of the application, specifically section 5 Proposed noise emission limits. Details of post installation

acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

All measurements shall be defined and derived in accordance with BS 4142:2014+A1:2019. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

Reason: to protect the amenity of local residents.

Opening Hours: Unless otherwise agreed in writing, the building shall not be open to the public outside the following hours:

09:00 hours to 23:00 hours on any day, with the exception of a maximum of six days per calendar year when they may be used by the public until 00:00 hours. These exceptional dates shall be recorded and made available to the LPA upon request.

Deliveries and collections (operational): No deliveries or collections of commercial goods or waste outside the following hours:

Mon to Fri 07:00 to 19:00 hours
Sat 08:00 to 13:00 hours
Sun and Public Holidays 09:00 to 13:00 hours

Reason: to protect the amenity of local residents.

Odour: The development hereby permitted shall not be provide hot food for public consumption until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with the submitted Greenways Ventilation and Extract Statement and with industry best practice eg the principles of the DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems and shall include a Risk Assessment for Odour eg Annex C of the DEFRA guidance as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Reason: to protect the amenity of local residents.

6.9.19

Nick Bennett, SEHO
Environmental Protection

Architect / Urban Designer - Will Dorman
Summary and Overall Assessment

The proposal is welcomed as it is not only a superior building than the one it replaces, but it also introduces a new use that should animate this town centre street especially with its open glazed façade that reveals the front foyer bar/cafe. While the building is significantly larger than the one it replaces (and in relation to its immediate neighbours) it is nevertheless similar to the existing nearby Orion Cinema; the additional scale can also be justified by its public use and its optimisation of a central location.

Although the asymmetric multi-layered form of the frontage is a little busy, overall this is an exciting contemporary building that will have a positive impact upon the townscape with care

being taken to add visual interest to the other highly visible facades, and in the re-landscaping of the pedestrian link to the Cyprus Road car park.

I therefore raise no objections to this proposal, but as well as conditions covering facing materials and landscaping, I would also recommend the submission of 1:20 scale section and elevational vignette of the glazed part of the Cyprus Road frontage, and a condition requiring the design and configuration of the top floor windows and signage on the west elevation to be subject to further approval.

Front / Cyprus Road Elevation

The frontage will stand-out in Cyprus Road, not just because it is a significantly bigger building than its neighbours, but also as a result of its asymmetrical shape which is in marked contrast with the more modest symmetrical frontages that characterise the other buildings in the road. Its projection beyond the established building line will also contribute to its prominence.

The façade is composed of a number of different overlaid elements and materials; although this presents a striking frontage it also risks looking busy. The mono-pitched entrance bay with its clay-tiled roof contrasts a little oddly with the otherwise contemporary language of the building, although it does echo the roof material of surrounding buildings.

Side Elevations

The flank elevations, particularly the west elevation facing the town centre will be clearly visible above the roof tops of the adjacent buildings along Cyprus Road, while the east elevation is important as it provides the backdrop for the pedestrian link from the car park. Both have been improved since the pre-application stage.

The vertical cladding and timber slats add visual interest, successfully screening unsightly roof structures and should work well with a neutral toned red brick facade. The brick face now incorporate surface modelling characterised by vertical patterning that appropriately echo the form of the timber slats and cladding.

The west elevation is further animated by internally-lit signage set against a striking glazed brick face; however the composition is unfortunately undermined by the inconsistent and mundane window arrangement that flank the signage.

The east elevation now benefits from additional windows that serve to articulate and provide natural surveillance over the pedestrian link from the car park.

Rear / North Elevation

The rear elevation is highly visible from the car park where many of the visitors will arrive. Although it incorporates the back stage doors, the elevation has been animated in a similar manner to the flanks. Additional elevational interest is provided by making a feature of the stairwell through the vertically organised signage and glazing that is again framed by the glazed bricks. The shape of the mono-pitched roof that rises towards the stairwell is appropriately echoed by the timber slatted screen above and the graduated surface modelling of the brickwork.

Layout

The side entrance arrangement is convenient for the Cyprus Road car park that is connected by the side alley but unfortunately denies an entrance that directly fronts Cyprus Road.

The side alley link to the car park is proposed to be comprehensively re-landscaped; the currently fragmented arrangement is being lost in favour of a layout that utilises the full width of the gap between the two adjacent buildings. The link will also benefit from the backdrop of the new building that will provide some natural surveillance of the space.

The interior of the building is well organised and the theatre itself is given additional warmth by the brick faced walls. The re-landscaping of the north and south thresholds should also contribute positively to this proposal.

MSDC Contaminated Land Officer

Main Comments:

I have reviewed the application details, including the preliminary contamination risk assessment and site investigation by Paddock Geo Engineering.

Elevated PAH indicative compound and asbestos levels were identified within the shallow Made Ground from beneath the current building footprint, when compared to the conservative Residential with productive planting land use scenario that the consultant adopted. The community centre proposals do not include any areas of open space and therefore the identified nonvolatile contaminant's only pathway to the end site user will be via the potable water supply. The report states that regular PE potable water supply pipes are not deemed suitable for buried potable water supply pipework on the site. As such barrier piping is required and it is recommended that this be validated before the site comes into use.

An initial ground gas risk assessment was also carried out and this did not indicate any significant ground gas concentrations, which allowed a low "Characteristic Situation 1" to be assigned for the site. A "Characteristic Situation 1" assignment does not require any ground gas protection measures.

Along with validation of the potable water supply, a discovery condition should also be put in place so that the construction works stop if any further contamination is found on site. Works can only re-start once the matter has been investigated, and a remediation plan, agreed with planning authority, put in place if required.

Recommendation:

Approve with the following conditions:

1. Prior to the site coming into operation, a verification report shall be submitted to and approved in writing, by the local planning authority, demonstrating that suitable barrier piping has been used for the potable water supply which ensures it cannot be permeated by known contaminants within the ground on site. This shall include photos of the pipes being laid and an agreement with the water supply company that the barrier piping used is suitable for the site.
2. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and

approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

MSDC Drainage Engineer

SURFACE WATER DRAINAGE PROPOSAL

It is proposed that the development will attenuate surface water with controlled discharge to existing public surface water sewer located in MSDC car park.

FOUL WATER DRAINAGE PROPOSAL

It is proposed that the development will drain to existing public sewer located in MSDC car park

FLOOD RISK

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

FLOOD RISK AND DRAINAGE TEAM CONSULTATION

The proposed drainage plan shows discharge of foul water and surface water to the public foul and surface water sewers located in MSDC land. Surface water is proposed to be attenuated.

Further information into our requirements for foul and surface water drainage are included within the 'further advice' section.

SUGGESTED CONDITIONS

C18F

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

MSDC Environmental Protection Officer

The proposed development will include a 237 seat theatre space, dance studio, large meeting room and café/bar. It is located in a mixed residential/commercial area at the edge of the town centre, near to a council car park.

There is potential for noise disturbance to nearby residents from the following sources:

Plant noise - air conditioning/ventilation, kitchen extract, refrigeration etc. This can be controlled by condition.

Performance - Live shows and the dance studio will have amplification equipment. Noise can be contained within the fabric of the building if well designed. Some form of cooling or ventilation will be required to avoid noise breakout through open windows, particularly during warmer Summer months. This can be controlled by condition.

Patrons - Noise from patrons gathering outside the venue eg arriving, smoking, socialising, waiting for taxis/lifts etc is difficult to control. However the location is the town centre and the site was previously occupied by the British Legion club, so similar issues would have existed, but with fewer people. It is recommended that hours of use be controlled to reduce the impact.

An initial noise report has been submitted, and this has recommended specific noise limits for plant noise (fans, air conditioning etc) and for entertainment noise. These limits are agreeable and conditions are recommended to reflect this.

Therefore, should the development receive approval, Environmental Protection recommends the following conditions:

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Reason: to protect the amenity of local residents from dust emissions during construction.

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Reason: to protect the amenity of local residents.

MSDC Leisure Officer

Thank you for the opportunity to comment on the demolition of the existing Royal British Legion Club and erection of a new entertainment and community venue at 30 Cyprus Road, Burgess Hill on behalf of the Head of Corporate Resources. The need for this facility has been identified in the Burgess Hill neighbourhood plan and it will be a welcome addition to leisure and amenity facilities in the town.

MSDC Parking Services

In regard to this planning application, I can confirm that the Cyprus Road car park is located adjacent to the development and should be well placed to provide parking capacity for the evening activities suggested. It should be noted that capacity for daytime performances may

well be compromised by the existing demand for the car park but I note the intention to support modal shift to mitigate pressures.

These comments are made based on current activity in the car park and it is noted that future town centre developments may impact the future availability of car parking in the future.

It is noted that the application includes the release of 9 spaces within the Cyprus Road car park along with amendments to the operation of the car park which have not been discussed or agreed by the MSDC.

MSDC Street Naming and Numbering Officer

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

Planning applications requiring SNN informative

DM/19/3028
DM/19/2764
DM/19/2777
DM/19/2942
DM/19/2129
DM/19/2900
DM/19/3121
DM/19/2990
DM/19/3085
DM/19/2961
DM/19/3138
DM/19/3144
DM/19/2938
DM/19/3170

MSDC Urban Designer

Summary and Overall Assessment

The proposal is welcomed as it is not only a superior building than the one it replaces, but it also introduces a new use that should animate this town centre street especially with its open glazed façade that reveals the front foyer bar/cafe. While the building is significantly larger than the one it replaces (and in relation to its immediate neighbours) it is nevertheless similar to the existing nearby Orion Cinema; the additional scale can also be justified by its public use and its optimisation of a central location.

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The flank elevations, particularly the west elevation facing the town centre will be clearly visible above the roof tops of the adjacent buildings along Cyprus Road, while the east elevation is important as it provides the backdrop for the pedestrian link from the car park. Both have been improved since the pre-application stage.

The vertical cladding and timber slats add visual interest, successfully screening unsightly roof structures and should work well with a neutral toned red brick facade. The brick face now incorporate surface modelling characterised by vertical patterning that appropriately echo the form of the timber slats and cladding.

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The interior of the building is well organised and the theatre itself is given additional warmth by the brick faced walls. The re-landscaping of the north and south thresholds should also contribute positively to this proposal.

WSSC Drainage Strategy Team

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events
Low risk

Comments:

Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification

Low risk

Comments:

The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Ordinary Watercourses nearby? No

Comments:

Current Ordnance Survey mapping shows no ordinary watercourses in close proximity to the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any historic flooding within the site?

No

Comments:

We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

The Surface and Foul Water Drainage Strategy Report included with this application state that Sustainable Drainage techniques (permeable paving/below ground attenuation) would be used to control the surface water runoff from the site. These methods would, in principle, meet the requirements of the NPPF and associated guidance documents.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

WSCC Highways

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been re-consulted on proposals for demolition of existing building and erection of entertainment/community venue.

In LHA comments dated 3rd September 2019 further information was requested in respect to the proposed car park alterations, extent of kerb reinstatement works, trip generation information and accessibility information including provision of bicycle parking.

A Transport Statement (TS) has been provided which addresses the previous issues raised, as commented in detail below.

Car Parking

The TS outlines that 9 x spaces in the existing car park to the rear will be lost to accommodate the proposed pedestrian link to the site. However, reconfiguration of existing spaces will allow for 6 x additional disabled spaces. The areas where parking arrangements will be altered appears to be included within red edge of site.

Parking demand as per WSCC Guidance could see a maximum of 1 space per 15m² of floor area. With 1150m² D2 floor space being provided, a demand for 77 x spaces could result. As the public car park to the rear can accommodate approximately 302 x cars, it is considered that it will be able to accommodate the additional parking demand.

Access Works

The footway and kerb along the site and Cyprus Hall are currently dropped. The applicant should contact WSCC Implementation team for a minor works licence to reinstate these. Whilst the trees do appear to be planted outside of the publicly maintained footway, finalised details on siting of these and approval would be given at technical approval stage, to ensure they do not impact public footway. It would appear that parking on frontage of site and Cyprus Hall is to be removed. Nevertheless, the LHA consider that with parking restrictions along Cyprus Road and existence of large public car park to rear of site, that this would not pose highway safety reason to resist the application.

Road Network Capacity & Trip Generation

As the existing Royal British Legion Club has not been in use for several years, a worst-case scenario of no existing traffic generation has been applied. Using the TRICs (Trip Rate Information Computer Systems) database with suitable parameters, it was found that during standard commuter AM peak of 08:00-09:00 the venue would be closed and thus no associated trips created. Between 17:00-18:00 10 x trips would be anticipated. The peak time for D2 use would be 19:00-20:00 and 22:00-23:00, outside of commuter peak hour trips. The TRICs assessment suggests that 69 x 2-way trips in the early evening peak and 54 x 2-way trips in the late evening peak could be expected.

It is worth noting the theatre venue can hold 298 capacity including standing. In the worst case scenario of 100% occupancy of theatre and 100% arrivals by car (with vehicle occupancy rate of 2.5 people per car), a total of 119 vehicles accumulation could occur. However, considering central Burgess Hill location and possibility for arrival by other modes of transport, if 50% modal split for cars then actual vehicle accumulation could be less (60).

Furthermore, the LHA also advise that a Travel Plan Statement be provided. This could include commitment to providing information of sustainable transport options on a dedicated website for visitors and car sharing scheme and provision of public transport taster tickets/ bike shop discounts for staff. Whilst this will aim to mitigate the additional vehicle trips on road network, the LHA does not consider that a capacity issue will result on the nearby road network as a result of the proposals.

Accessibility

The TS sets out detail of public transport available nearby including train services from Burgess Hill Station, which is 5 minute walk from the site. Closest bus stops have also been identified as approximately 150 metres from the site and the services available have been outlined. Whilst services operate to 7.30pm, it is considered that they could be used to access the site or make up part of journey.

Cycling and walking could also be used to reach the site with footways street lit and pedestrian infrastructure/ crossings in the vicinity. Pedestrian access is to be from Cyprus Road and improved pedestrian link to the rear of the site will link with the Cyprus Road Car Park.

WSCC guidance states that 1 x cycle space per 4 staff and visitor/customer cycle parking should be provided. 9 x new cycle racks are proposed in the public car park. Considering scale of venue and unknown staff number, the LHA advise that cycle parking for staff is secured within a dedicated facility within the building, or that more bicycle parking is provided with the car park. Details of this can be secured via condition.

Conclusion

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Conditions

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Travel Plan Statement

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,

- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

INFORMATIVE

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Consultant Ecologist

To be reported.

Southern Water

To be reported.

Sussex Police

Thank you for your correspondence of 13th August 2019, advising me of a planning application for the demolition of the existing Royal British Legion Club and erection of an entertainment and community venue, to include a 237-seat theatre, a multi-purpose dance/rehearsal studio, meeting rooms and dressing room/support spaces. The flexible front-of-house foyer spaces will incorporate an associated café/bar operation to support the auditorium function. There will be re-landscaping works to the north and south of the new building and to the alleyway to the east (alongside Cyprus Hall), for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

I have previously discussed and commented upon the above development regarding the adjacent passageway between Cyprus House and the proposed Beehive Centre with the agent. I would like to acknowledge the agent's co-operation with me during this pre-

application consultation and for their consideration in implementing my crime prevention comments into the development. I am very pleased with the proposals and accept the motivation behind their incorporation into the design and layout. I fully endorse and promote my crime prevention comments as presented at Appendix E within the Design and Access Statement that is submitted in support of this application.

I recommend that SBD Commercial Development 2015 document is utilised with respect to implementing crime prevention advice for the proposal, ensuring that all relevant and specific security requirements and specifications are met during the construction of this proposed development. These include; certificated doors and windows, access control, intruder alarms, lighting, internal security measures, cycle security and parking requirements.

I would also strongly advise the applicant or their agent to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site. Additionally given the proposed quantity of people gathering in a public place, I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.